

Page 4 of the specification has been amended and a marked up page 4 is enclosed. Claims 24, 27 to 30, 32 to 36, and 38 to 40 have been amended to show their status.

Page 4, line 20 has been amended.

REMARKS

Claims 21 to 40 are pending in this application. The Examiner has withdrawn claims 24, 27 to 30, 32 to 36 and 38 to 40 from consideration.

Claims under consideration in this application include 21 to 23, 25, 26, 31 and 37.

The Examiner has rejected claims 21 to 23, 25, 26, 31 and 37.

The applicant notes that the restriction requirement has now been made final.

With regard to the claim rejections under 35 USC 112, second paragraph, as set forth in paragraphs three and four of the office action, the applicant has amended claim 21 to remove the offending language.

With regard to the objection of paragraph 5 of the office action, the applicant has corrected the specification at page 4, line 20. The amendment reflects the unitary nature of the rest. Support can be found in the drawings, namely, Figure 1 and especially Figure 2.

The Examiner has rejected claims 21, 22, 25, 26, 31 and 37 under 35 USC 102(b) as being anticipated by Willey, U.S. 2,961,209.

The applicant takes the position that this rejection is unfounded. To anticipate a claim, the reference must teach every element of the claim. "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art

reference." *Verdegaal Bros. v. union oil Co. of California*, 814 F.2d 628, 631, 2USPQ2d 1051, 1053 (Fed. Cir. 1987).

The device of the instant invention does not contain an arcuate rod holder defining diametrically disposed ends. Thus, the reference does not anticipate the device of the instant invention and this rejection should be withdrawn.

The Examiner has rejected claim 23 under 35 USC 103(a) as being unpatentable over Willey. Claim 23 is dependent on claim 22 which is dependent on claim 21.

Therefore, claim 21 takes on all of the subject matter of claims 21 and 22 and the applicant takes the position that claim 23 is not obvious in view of Willey owing to the fact that claims 21 and 22 are not obvious in view of Willey.

With specificity, the applicant would point out to the Examiner that the rod support of the Willey device is in fact front and back notches, wherein the rod holder for the rod is in fact a spring loaded hook 66 wherein the movement for retrieving a rod therefrom is a movement (in this case with regard to Figure 1) to the left, and then a movement lifting vertically from the notches 42. This differs markedly from the motion needed to remove a rod from the device of the instant invention which is simply a vertical movement from the notch 9. The notch 9 of the instant invention is both the holder and the support for the rod while in the Willey device, it takes multiple components to support and hold the rod.

There is no motivation, teaching or suggestion in Willey to provide a rod holder of the instant invention having the simple set of components as are described in the instant specification.

In view of the above, the applicant respectfully requests a withdrawal of the objections and rejections and an early allowance of the claims.

Respectfully submitted,

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